



Rep. Kimberly du Buclet

Filed: 3/27/2012

FISCAL NOTE ACT
MAY APPLY

09700HB5586ham002

LRB097 18283 RLC 68115 a

1 AMENDMENT TO HOUSE BILL 5586

2 AMENDMENT NO. _____. Amend House Bill 5586, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Mental Health and Developmental
6 Disabilities Code is amended by changing Section 2-103 as
7 follows:

8 (405 ILCS 5/2-103) (from Ch. 91 1/2, par. 2-103)

9 Sec. 2-103. Except as provided in this Section, a recipient
10 who resides in a mental health or developmental disabilities
11 facility shall be permitted unimpeded, private, and uncensored
12 communication with persons of his choice by mail, telephone and
13 visitation.

14 (a) The facility director shall ensure that correspondence
15 can be conveniently received and mailed, that telephones are
16 reasonably accessible, and that space for visits is available.

1 Writing materials, postage and telephone usage funds shall be
2 provided in reasonable amounts to recipients who reside in
3 Department facilities and who are unable to procure such items.

4 (b) Reasonable times and places for the use of telephones
5 and for visits may be established in writing by the facility
6 director.

7 (c) Unimpeded, private and uncensored communication by
8 mail, telephone, and visitation may be reasonably restricted by
9 the facility director only in order to protect the recipient or
10 others from harm, harassment or intimidation, provided that
11 notice of such restriction shall be given to all recipients
12 upon admission. When communications are restricted, the
13 facility shall advise the recipient that he has the right to
14 require the facility to notify the affected parties of the
15 restriction, and to notify such affected party when the
16 restrictions are no longer in effect. However, all letters
17 addressed by a recipient to the Governor, members of the
18 General Assembly, Attorney General, judges, state's attorneys,
19 Guardianship and Advocacy Commission, or the Agency designated
20 pursuant to "An Act in relation to the protection and advocacy
21 of the rights of persons with developmental disabilities, and
22 amending Acts therein named", approved September 20, 1985,
23 officers of the Department, or licensed attorneys at law must
24 be forwarded at once to the persons to whom they are addressed
25 without examination by the facility authorities. Letters in
26 reply from the officials and attorneys mentioned above must be

1 delivered to the recipient without examination by the facility
2 authorities.

3 (d) No facility shall prevent any attorney who represents a
4 recipient or who has been requested to do so by any relative or
5 family member of the recipient, from visiting a recipient
6 during normal business hours, unless that recipient refuses to
7 meet with the attorney.

8 (e) Whenever, as the result of the closing or the reduction
9 in the number of units or available beds of any mental health
10 facility operated by the Department of Human Services, the
11 State determines to enter into a contract with any mental
12 health facility to provide hospitalization to persons who would
13 otherwise be served by the State-operated mental health
14 facility, the resident shall be entitled to the same rights
15 under this Section.

16 (Source: P.A. 86-1417.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."